

S U M M A R Y
OF
LEGISLATIVE ACTIVITIES
AND
ACCOMPLISHMENTS
OF THE
COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS
UNITED STATES SENATE
FOR THE
NINETY SEVENTH CONGRESS



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COMMITTEE JURISDICTION

Section (h) of rule XXV of the Standing Rules of the Senate states that the Committee on Environment and Public Works, "... be referred all proposed legislation, messages, petitions, memorials, and other materials relating to the following subjects:

- "1. Air pollution.
- "2. Construction and maintenance of highways.
- "3. Environmental aspects of Outer Continental Shelf lands.
- "4. Environmental effects of toxic substances, other than pesticides.
- "5. Environmental policy.
- "6. Environmental research and development.
- "7. Fisheries and wildlife.
- "8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
- "9. Noise pollution.
- "10. Nonmilitary environmental regulation and control of nuclear energy.
- "11. Ocean dumping.
- "12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
- "13. Public works, bridges, and dams.
- "14. Regional economic development.
- "15. Solid waste disposal and recycling.
- "16. Water pollution.
- "17. Water resources.

"Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time."

GENERAL STATEMENT

The 97th Congress was a period of intense activity for the Committee on Environment and Public Works. Under the leadership of Chairman Robert T. Stafford (R-VT) and ranking minority member Jennings Randolph (D-W. VA.), the committee reported a large number of important pieces of legislation in both the areas of environment and public works.

Chairman Stafford, at the Committee's January 1981 organizational meeting, stressed that the number one committee priority item for the 97th Congress was reauthorization of the Clean Air Act. After 19 months of concerted effort, including 61 hearings and markups, the committee reported an extensive legislative reform of the Clean Air Act. Among others, the bill contained provisions addressing the problem of acid rain, State implementation plans, construction of new facilities, and hazardous air pollutants.

Needed program reforms, budgetary pressures, and the expiration of the monetary authorization for the municipal wastewater treatment grant provisions of the Clean Water Act prompted the committee to draft important amendments to the Clean Water Act which, in 1981, became public law.

One of the major legislative accomplishments of the 97th Congress was the Surface Transportation Assistance Act of 1982. The committee's Federal-aid Highway legislation became a cornerstone of this cooperative effort among several congressional committees.

The signing into law of the Nuclear Waste Policy Act was the successful culmination of a multi-year committee and congressional effort to legislatively address the disposal of high level nuclear waste. This legislation could be considered as one of the most important energy and environment related actions of the 97th Congress.

A 2-year reauthorization of the Nuclear Regulatory Commission was reported by the committee and guided through full Senate debate, a protracted series of Senate-House conferences, and finally into Public Law. This reauthorization was the vehicle for a number of important initiatives amending existing NRC authority and responsibilities.

Initiated by the committee was one of the most significant resource protection achievements of the 97th Congress: the Coastal Barrier Resources Act. This law, which took effect immediately after being signed by the President, denies a variety of Federal grants and loans which would encourage development on 187 environmentally valuable and unstable coastal island areas in 15 States.

Legislation to reauthorize and improve the Endangered Species Act was also reported by the committee. Another major environmental achievement of the Congress, this bill, which was originally expected to be highly controversial, followed a relatively smooth course into law.

The committee's continuing concerns with questionable and inefficient national public buildings policy as carried out by the General Services Administration, resulted in the reporting and prompt Senate passage of the Public Building Act. Although very similar legislation was reported and passed by the Senate in the 96th Congress, needed reforms in public buildings policy have yet to become law.

In the area of water resources, the committee reported legislation to institute important reforms in national ports policy, to deauthorize several water projects, and to establish a new system of national water policy formulation and implementation.

Responding to what many members of the committee thought were questionable invocations of authority under the Disaster Relief Act and other needed reforms, the committee approved the first comprehensive bill amending the Disaster Relief Act in several years.

During the 97th Congress, 235 bills were referred to the committee. Over 150 hearings were held by the committee and its subcommittees and 71 markup sessions were held. 52 bills were reported, of which 30 became Public Law.

The following is a compilation of Senate bills and House Acts and their status:

BILLS ENACTED INTO LAW

Public Law No.	Date enacted	Bill No.	Title
97-16	June 23, 1981.....	S. 1213	To amend title I of the Marine Protection, Research, and Sanctuaries Act, as amended.
97-23	July 17, 1981.....	H.R. 3520.....	To amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case-by-case basis to facilitate modernization.
97-73	Nov. 3, 1981.....	S. 1209	To authorize appropriations for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.
97-79	Nov. 16, 1981.....	S. 736	To provide for the control of illegally taken fish and wildlife.
97-97	Dec. 21, 1981.....	H.R. 4845.....	To designate the building known as the Lincoln Federal Building and Courthouse in Lincoln, Nebr., as the "Robert V. Denney Federal Building and Courthouse."
97-117	Dec. 29, 1981.....	H.R. 4503.....	To amend the Federal Water Pollution Control Act to authorize funds for fiscal year 1982.
97-118	do.....	H.R. 4506.....	To name the lock and dam authorized to replace locks and dam 26, Mississippi River, Alton, Ill., as Melvin Price lock and dam."
97-120	do.....	S. 657	To designate the Department of Commerce building in Washington, D.C., as the "Herbert Clark Hoover Department of Commerce Building."
97-125	do.....	S. 1192	To amend the National Visitor Center Facilities Act of 1968 to provide for the rehabilitation and completion of Union Station in Washington, D.C.
97-128	do.....	S. 1493	To deauthorize several projects within the jurisdiction of the Army Corps of Engineers.
97-129	do.....	S. 1211	To extend the Toxic Substances Control Act for 1 yr.
97-134	do.....	H.R. 3210.....	To amend the Surface Transportation Assistance Act of 1978, to establish obligation limitations for fiscal year 1982.
97-140	do.....	H.R. 779.....	To authorize the Secretary of the Army to contract with the Tarrant County Water Control and Improvement District No. 1 and city of Weatherford, Tex.

BILLS ENACTED INTO LAW—Continued

Public Law No.	Date enacted	Bill No.	Title
97-202	June 24, 1982	H.R. 5566	To authorize funds for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.
97-304	Oct. 13, 1982	H.R. 133	To authorize funds for fiscal years 1983, 1984, and 1985, to provide protection for endangered species of plants and animals.
97-327	Oct. 15, 1982	S. 2574	To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code.
97-333	do	H.R. 1486	To establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington.
97-347	Oct. 18, 1982	H.R. 5662	To extend until Oct. 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956.
97-348	do	S. 1018	To protect and conserve fish and wildlife resources.
97-350	do	S. 1210	To amend the Environmental Quality Improvement Act of 1970.
97-383	Dec. 22, 1982	S. 2034	To designate the lock and dam known as the Jones Bluff lock and dam, located on the Alabama River, as the "Robert F. Henry lock and dam."
97-453	Jan. 12, 1983	H.R. 5002 ¹	Fisheries Conservation and Management Act of 1982.
		H.R. 5663 ²	Anadromous Fish Conservation Act.
97-396	Dec. 31, 1982	H.R. 1952	To authorize appropriations to carry out conservation program on military reservations and public lands during fiscal years 1982, 1983, and 1984.
97-415	Jan. 4, 1983	H.R. 2330	To authorize appropriations to the Nuclear Regulatory Commission in accordance with sec. 261 of the Atomic Energy Act of 1954, as amended, and sec. 305 of the Energy Reorganization Act of 1974.
97-422	do	H.R. 7420	To name the fish hatchery at the Warm Springs Dam component of the Russian River, Dry Creek, Calif., project as the "Don H. Clausen Fish Hatchery."
97-423	do	H.R. 7406	To designate a certain Federal building in Springfield, Ill., the "Paul Findley Building."
97-424	Jan. 6, 1983	H.R. 6211	To authorize appropriations of construction of certain highways in accordance with title 23, United States Code, for highway safety, for mass transportation in urban and rural areas.
97-425	Jan. 7, 1983	H.R. 3809	To provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel to establish a program of research development and demonstration regarding the disposal of high-level radioactive waste and spent nuclear fuel.
97-440	Jan. 8, 1983	H.R. 7159	To amend the Federal Water Pollution Control Act to allow modifications of certain effluent limitations relating to biochemical oxygen demand and pH.
97-450	Jan. 12, 1983	H.R. 5029	To designate the Federal building in Fresno, Calif., as the "B. F. Sisk Federal Building."
97-467	Jan. 14, 1983	H.R. 6538	To designate the Federal building in Lima, Ohio, as the "Tennyson Guyer Federal Building."

¹ Referred to the Committee on Commerce, Science, and Transportation.

² Referred to the Committee on Environment and Public Works. Committee was discharged from further consideration of H.R. 5663. Text was incorporated into H.R. 5002 on the Senate floor.

BILLS REPORTED TO THE SENATE BUT NOT ACTED UPON

Bill No.	Date reported	Title
S. 1205.....	May 15, 1981.....	To authorize appropriations for environmental research development, and demonstrations for the fiscal year 1982.
S. 1206.....	do.....	To authorize appropriations for the Clean Air Act for fiscal year 1982.
S. 1207.....	do.....	To authorize appropriations to the Nuclear Regulatory Commission in accordance with sec. 261 of the Atomic Energy Act of 1954.
S. 1208.....	do.....	To authorize appropriations of the construction of certain highways in accordance with title 23 of the United States Code.
S. 1212.....	do.....	To extend authorization for appropriations for Disaster Relief Act of 1974.
S. 1095.....	do.....	To amend the Water Resources Planning Act.
S. 63.....	June 9, 1981.....	To amend the Clean Air Act to provide compliance date extension for steelmaking facilities on a case-by-case basis to facilitate modernization.
S. 1024.....	Oct. 7, 1981.....	To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code.
S. 1716.....	do.....	To amend title II of the Clean Water Act.
S. 1837.....	Dec. 8, 1981.....	To designate the building known as the "Lincoln Federal Building and Courthouse" in Lincoln, Nebr., as the "Robert V. Denny Federal Building and Courthouse."
S. 1692.....	Dec. 15, 1981.....	To provide for the operation, maintenance, and construction of deep-draft channels and harbors.
S. 2309.....	May 26, 1982.....	To amend the Endangered Species Act of 1973, to authorize funds for fiscal year 1983.
S. 2576.....	do.....	To extend the Safe Drinking Water Act, as amended, for 1 yr.
S. 2590.....	May 27, 1982.....	To amend and extend the Clean Water Act, as amended, for 1 yr.
S. 2591.....	do.....	To extend title I and II of the Marine Protection, Research and Sanctuaries Act, as amended.
S. 2432.....	do.....	To amend and extend the Solid Waste Disposal Act, as amended, for 2 yr.
S. 2434.....	May 28, 1982.....	To authorize appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.
S. 1606.....	Aug. 13, 1982.....	To establish a supplemental insurance fund administered by the Secretary of Energy to pay the costs of necessary remedial action following damage to nuclear powerplants, including certain remedial action at the Three Mile Island facilities in Pennsylvania.
S. 3041.....	Nov. 15, 1982.....	To amend the Clean Air Act.
S. 2845.....	Dec. 17, 1982.....	To amend sec. 202(7)(C) of title 3, United States Code.

BILLS APPROVED BY THE SENATE BUT NOT ACTED UPON BY THE HOUSE

Bill No.	Passed Senate	Title
S. 533.....	May 6, 1981.....	To establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration.
S. 1662.....	Apr. 29, 1982.....	To establish a limited program for storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities.
S. 2250.....	June 9, 1982.....	To amend the Disaster Relief Act of 1974.
S. 2451.....	do.....	To authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1983.
S. 2494.....	June 21, 1982.....	To authorize support for an ongoing program of water resources research.

BILLS APPROVED BY THE HOUSE BUT NOT APPROVED BY THE COMMITTEE

Bill No.	Passed House	Title
H.R. 1855.....	July 27, 1981.....	To grant the consent of Congress to the city of Boston to construct, maintain and operate a causeway and fixed-span bridge in and over Fort Point Channel, Boston, Mass.
H.R. 2957.....	May 28, 1981.....	To amend the Federal Water Pollution Control Act to delete the limitation on the use of public treatment works grant for treating, storing or conveying the flow of industrial users into treatment works.
H.R. 4284.....	Sept. 21, 1981.....	To name the lock authorized as a replacement for Vermilion lock, Louisiana, as "Leland Bowman lock."
H.R. 5906.....	Dec. 13, 1982.....	To amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to clarify provisions relating to claims, financial responsibility and civil penalties.
H.R. 6666.....	Sept. 9, 1982.....	To amend the joint resolution of Oct. 19, 1965, to provide additional authorization for the Library of Congress James Madison Memorial Building.

CHAPTER 1

FULL COMMITTEE

During the 97th Congress, four major legislative initiatives were considered at the full Committee level: Reauthorization of the Clean Air Act, the Steel Industry Compliance Extension Act of 1981, the Public Buildings Act, and the Union Station Redevelopment Act. In addition, the Committee conducted oversight hearings on the Tennessee Valley Authority.

CLEAN AIR ACT AMENDMENTS

During the first and second sessions of the 97th Congress the full committee held 27 days of hearings, including 7 field hearings, to review the implementation of the Clean Air Act and to receive testimony on proposals to amend the Act.

The committee began to markup Clean Air Act amendments in November, 1981, and held a total of seven markup sessions prior to the end of the first session of the 97th Congress. In the second session an additional 27 days of markups were held, culminating on August 19, 1982, with a 15-1 vote by the Committee to report a bill, S. 3041 (Report No. 97-666), to the Senate.

S. 3041, while retaining nearly all of the features of the existing Clean Air Act, would have made a number of important modifications and additions of a strengthening nature. The most important feature of S. 3041 was a major new regulatory program for the purpose of combatting the problem of acid rain. This program would have required, by 1995, a reduction of eight million tons of sulfur dioxide, which is the principal precursor of acid rain and other forms of acid deposition, in the thirty-one States contiguous to or east of the Mississippi River. The bill also included provisions to expedite the reviewing process for State Implementation Plans, improve the regulation of hazardous air pollutants, streamline the permitting process for construction of new facilities, and strengthen the technology requirements for new sources. Other significant modifications of the Act were designed to assure that emissions of harmful pollution from motor vehicles would continue to decline and to improve the judicial review of regulations promulgated pursuant to the Clean Air Act.

The Senate was unable to consider S. 3041 prior to adjournment.

PUBLIC BUILDINGS

Matters concerning public buildings and the Public Buildings Service of the General Services Administration (GSA) come under the jurisdiction of the full committee. Two public building reform bills with overlapping provisions and in part similar intent, were voted out of committee and passed by the Senate during the 97th

Congress: S. 533, the Public Buildings Act of 1981, and S. 2451, the Public Buildings Authorizations Act of 1982.

Early in the first session the committee reported comprehensive legislation to establish a Federal buildings policy and to rewrite the basic authorities of the Public Buildings Service of GSA contained in the Public Buildings Act of 1959. Concerned over irregularities in the GSA public buildings program and determined to replace the so-called "prospectus" system of authorization by committee with annual authorizations enacted by the full Congress and presented to the President, the committee reported S. 533, the Public Buildings Act of 1981. The bill passed the Senate by May 5 by a vote of 93 to 0.

By linking the authorization, appropriation, and budgetary processes, the legislation would have established orderly and fiscally disciplined public buildings planning and approval procedures.

This reform bill was the culmination of three years of effort of the committee, beginning with a comprehensive review of the total public buildings program. Senate debate on the bill—together with a similar bill passed by the Senate in 1980, S. 2080—marked the first time in 20 years that the full Senate considered public buildings policies of GSA or individual building project proposals of the Public Buildings Service.

The legislation also provided new initiatives in the display and exhibition of works of art in Federal buildings, and in the encouragement of greater public use of Federal buildings. It articulated policy for location of Federal agency offices, design and management of the public buildings, architectural services, and leasing of privately-owned space to accommodate Federal agencies.

It reinforced previous efforts by the committee to assure that intensive use is made of the existing Government building inventory before space is sought elsewhere, and it reflected the committee's longstanding efforts to have permanent Federal functions placed in Government-owned buildings. The policy of purchasing and adapting existing and particularly historic buildings, established by Congress in the Public Buildings Cooperative Use Act of 1976, was clarified and strengthened. The bill also established the goal that within 10 years 60 percent of Federal employees be housed in Government-owned space.

In late May of the second session, the committee unanimously reported S. 2451. The bill provided authorizations for appropriations of \$1,992,275,000 for the Public Buildings Service of GSA for fiscal year 1983 and in accord with the public buildings reforms of S. 533. Senate passage of this bill in June marked the first time the full Senate acted upon a freestanding, omnibus authorization bill for public buildings under the GSA.

Neither S. 533 or S. 2451 was acted upon by the House of Representatives.

THE UNION STATION REDEVELOPMENT ACT

After a hearing in July of the first session, S. 1192, the Union Station Redevelopment Act of 1981, was reported by the committee in November.

The bill provided authorizations to return the monumental Union Station building in Washington, D.C., to use as a rail terminal, while simultaneously promoting substantial investment to renovate the building for commercial purposes. The bill shifted responsibility for the facility to the Department of Transportation from the Department of the Interior and authorized a one-year study of the building's structural integrity and potential for commercial development. Completion of the parking garage and ramps—using Interstate Highway funds appropriated to the District of Columbia—are also authorized. The Committee on Commerce, Science, and Transportation reported the legislation on May 15.

The House of Representatives passed the bill on December 16 and it was signed into law by the President on December 29, becoming Public Law 97-125.

THE STEEL INDUSTRY COMPLIANCE EXTENSION ACT

Midway through the first session, the full Committee reported S. 63, the Steel Industry Compliance Extension Act. It allows some steel facilities up to three extra years to comply with certain requirements of the Clean Air Act. As originally introduced, S. 63 closely followed recommendations developed by the Steel Tripartite Advisory Committee, which was composed of representatives from steel industry management, the United Steelworkers Union, and the Federal Government. After receiving testimony at two hearings, one late in the 96th Congress and one in early March, 1981, the Committee amended the bill and reported it to the Senate on June 9. As reported by the Committee, the bill:

- allowed steel sources up to a three year period to comply with certain requirements of the Clean Air Act;
- required that money saved by deferring pollution control costs be invested in modernization of steel-making facilities;
- permitted the extension only if the facility's home State did not object; and
- required that once a company asked for and received the extension, no further delays in compliance could be obtained.

With only minor changes, the Committee bill was passed by the Senate, agreed to in conference committee, and signed into law July 17, 1981 becoming Public Law 97-23.

TENNESSEE VALLEY AUTHORITY OVERSIGHT

Oversight hearings on the Tennessee Valley Authority (TVA) were held on March 16-17, 1981. The purpose of the hearings was to gather information on the organization and operation of TVA and to conduct a critical review of the issues relating to increases in electric power rates. The hearings provided significant information and insight into TVA's operation.

Following a review of the hearing record, the committee adopted a number of recommendations for consideration by the TVA board of directors. Among other things, the committee recommended that TVA closely monitor the growth in power demand, review the accuracy of demand forecasts, carefully evaluate any policy decision to prohibit the Federal Financing Bank from purchasing TVA bonds, carefully review its coal procurement activities, and evalu-

ate and attempt to lessen any burden placed on elderly residents with fixed incomes by escalating power costs.

Implementation of these recommendations was left to the board and the management at TVA. On March 3, 1982, the committee received a detailed report from TVA on ongoing efforts to address the committee's comments and recommendations.

NOMINATIONS

In addition to legislative activity, the committee considered 32 Presidential nominations. The change in Administration and the coincidental expiration of terms of several agency and other positions, resulted in this unusually large number of nominations during the 97th Congress. The nominations considered and favorably reported were:

CALIFORNIA DEBRIS COMMISSION

Col. Paul Basilwick, Jr., to be a member of the California Debris Commission.

Brig. Gen. Homer Johnston, Jr., to be a member of the California Debris Commission.

Col. Paul Frederick Kavanaugh, to be a member of the California Debris Commission.

DEPARTMENT OF COMMERCE

Carlos C. Campbell, to be an Assistant Secretary of Commerce.

Robert G. Dederick, to be an Assistant Secretary of Commerce.

Winifred Ann Pizzano, to be Federal Cochairman of the Appalachian Regional Commission.

Jacqueline L. Phillips, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

ENVIRONMENTAL PROTECTION AGENCY

Anne McGill Gorsuch, to be Administrator.

John Whitlock Hernandez, Jr., to be Deputy Administrator.

Kathleen M. Bennett, to be Assistant Administrator for Air, Noise, and Radiation.

John P. Horton, to be Assistant Administrator for Administration.

Matthew Norman Novick, to be Inspector General.

John A. Todhunter, to be Assistant Administrator for Pesticides and Toxic Substances.

Frederic Arnold Eidsness, Jr., to be Assistant Administrator for Water.

Rita M. Lavelle, to be Assistant Administrator for Solid Waste and Emergency Response.

COUNCIL ON ENVIRONMENTAL QUALITY

A. Alan Hill, to be a member of the Council on Environmental Quality.

Nancy A. Maloley, to be a member of the Council on Environmental Quality.

W. Ernst Minor, to be a member of the Council on Environmental Quality.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Lee M. Thomas, to be an Associate Director for State and Local Programs and Support of the Federal Emergency Management Agency.

DEPARTMENT OF THE INTERIOR

G. Ray Arnett, to be Assistant Secretary for Fish and Wildlife.
Robert A. Jantzen, to be Director of the U.S. Fish and Wildlife Service.

MISSISSIPPI RIVER COMMISSION

Maj. Gen. William Edgar Read, U.S. Army, to be a member and President of the Mississippi River Commission.

Maj. Gen. Hugh Granville Robinson, U.S. Army, to be a member of the Mississippi River Commission.

Brig. Gen. Richard Samuel Kem, U.S. Army, to be a member of the Mississippi River Commission.

Rickey Dale James, to be a member of the Mississippi River Commission for a term of nine years.

Rear Adm. Herbert R. Lippold, Jr., to be a member of the Mississippi River Commission.

NUCLEAR REGULATORY COMMISSION

Nunzio J. Palladino, to be a member of the Nuclear Regulatory Commission.

Thomas Morgan Roberts, to be a member of the Nuclear Regulatory Commission.

James Kilburn Asselstine, to be a member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 1982.

James Kilburn Asselstine, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1987.

TENNESSEE VALLEY AUTHORITY

Charles H. Dean, Jr., to be a member of the Board of Directors of the Tennessee Valley Authority.

DEPARTMENT OF TRANSPORTATION

Ray A. Barnhart, to be Administrator of the Federal Highway Administration.

Informational hearings were held on the nominations of Drew Lewis, to be Secretary of Transportation, and Gerald P. Carman, to be Administrator the General Services Administration.

CHAPTER 2

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

The Subcommittee on Environmental Pollution, chaired by Senator John H. Chafee, of Rhode Island, with Senator George J. Mitchell, of Maine, as ranking minority member, has jurisdiction over water pollution, solid and hazardous waste disposal, Superfund, fisheries and wildlife, and endangered species.

In the course of carrying out its legislative and oversight functions during the 97th Congress, the Subcommittee held 33 hearings, (including four field hearings) and 6 markups, and was deeply involved in a wide spectrum of environmental issues. It guided full committee action on a number of bills including amendments to the Clean Water Act, the Endangered Species Act, the Coastal Barrier Resources Act, amendments to the Lacey Act, the Sikes Act, and a bill to establish the Protection Island National Wildlife Refuge.

Early in the first session, the President asked Congress to make reforms in the municipal wastewater treatment grants program of the Clean Water Act before he would request any funds for the program. This program, which is second only to the Federal-aid Highway program in terms of Federal infrastructure spending, provides funding for publicly owned sewage treatment plants across the Nation. On April 7, 1981, the President sent a package of amendments to the Congress and asked for quick action. Later in the spring, after several committee members had introduced their own reform packages, the subcommittee began a series of 7 hearings during which 71 witnesses testified. Two major themes were addressed by the witnesses: (1) the need to focus reduced Federal dollars on the most urgent treatment needs, and (2) the need for funding stability. These became two major themes of the subcommittee bill which was approved unanimously by both the full committee and the Senate.

A lengthy series of Senate-House conferences produced a bill which contained a large portion of the reforms in the Senate-passed version. Among other things, the bill, which became Public Law 97-117:

- authorizes \$2.4 billion for 1982 and \$2.6 billion each year through 1985 for the Federal share of funds for the planning, design, and construction of publicly owned wastewater treatment works;
- reduces the Federal share of these grants from 75 percent to 55 percent starting in fiscal year 1985;
- limits funding of reserve capacity in treatment facilities; and
- limits the type of treatment works eligible for Federal funds.

During the second session the subcommittee also held 7 oversight hearings on other key provisions of the Clean Water Act including

one field hearing in Alaska on section 404 "dredge and fill" requirements. Other provisions of the Clean Water Act examined were the "best available treatment" and pre-treatment requirements, compliance deadlines, requirements for new sources, and the issue of whether or not dams should be considered as a "point source" of pollution subject to certain provisions of the Act. The importance and complexity of the issue, plus the number of possible amendments forced the subcommittee to postpone action until the next Congress. A bill providing limited extensions for 2 pulp mills in California did become law, however (P.L. 97-440).

In preparation for the bill reauthorizing the Endangered species Act, the Subcommittee held 5 days of hearings. Originally expected to be one of the most heavily debated issues of the 97th Congress, this reauthorization was not only one of the most important environmental achievements, but ultimately one of the least contentious of the 97th Congress. The bill that was eventually signed into law (P.L. 97-304) and was supported by environmental and industrial interests alike, provided a three year extension of the Act. It contained provisions to streamline the process for listing threatened or endangered species, and to expedite the exemption process for public projects.

The Coastal Barrier Resources Act (Public Law 97-348), was another major accomplishment of the Environmental Pollution Subcommittee during the second session. Prior to drafting its bill, the subcommittee held three days of hearings, one of which was a field hearing, and spent many hours in negotiations over geographic areas to be covered by its provisions. The resulting Act which bans Federal subsidies for development along some 700 miles of Atlantic and Gulf Coast islands and beaches, was signed by President Reagan on October 18, 1982. Federal grants and loans for roads, bridges, and sewer systems in 187 areas within 15 coastal States are denied by the Act, which took effect immediately. Also incorporated into the Act was an earlier ban on Federal flood insurance for undeveloped barrier islands and beaches that will take effect October 1, 1983. The law is intended to discourage development of pristine and unstable coastal islands and beaches that buffer the mainland from storms and provide habitats for a variety of marine species and wildlife. On signing the Act, President Reagan praised it as "landmark legislation" because it protects the environment by actually reducing government spending in the form of subsidies to private enterprise.

The Lacey Act was amended after a hearing held in April of the first session, and a markup in May, by the subcommittee voting out S. 736. The Lacey Act, which is the Nation's oldest and most basic wildlife protection law, makes it illegal to transport, in interstate or foreign commerce, any wildlife that is taken, possessed, bought, or sold in violation of the laws of States, the United States, or other countries. The subcommittee bill addressed three major problems with the Lacey Act that became apparent during hearing testimony and investigation: (1) insufficient penalties for violations of the Act, (2) culpability standards that were too stringent, and (3) lack of needed similarities in enforcement and penalty provisions between the Lacey and Black Bass Acts. Under the new law, violators charged with serious offenses now face possible felony charges

with maximum fines of \$20,000 and jail sentences of up to five years. Conviction on misdemeanor charges can now bring a \$10,000 fine and a one-year jail term. Civil penalties include fines of \$10,000 or less. After being reported by the full Committee, S. 736 was unanimously passed by the Senate in July and unanimously approved by the House of Representatives in early November. The President signed the Lacey Act Amendments of 1981 (P.L. 97-79) on November 16, 1981.

After a hearing and markup early in the second session, the subcommittee reported out a bill reauthorizing and amending the Sikes Act. The original Act, passed in 1960, provides a mechanism for Cooperative Federal/State management of fish and wildlife on military reservations. The amendments, as approved by the Subcommittee, increases protection for endangered and threatened species, clarifies aspects of agreements between Federal and State agencies, extends these clarifications to BLM, Forest Service, NASA, and Department of Energy lands, and streamlines certain other provisions of the Act. This three year reauthorization became P.L. 97-936 on December 31, 1982.

A bill to establish the Protection Island National Wildlife Refuge was also included in the subcommittee's agenda during the second session. The bill, which became Public Law 97-333 in October, 1982, establishes Protection Island in the inland waters of Puget Sound as a National Wildlife Refuge. It encompasses an area of 400 acres and provides nesting habitat for 72 percent of the entire bird population of Puget Sound and the Strait of Juan de Fuca. The island serves as the single most important nesting site of marine birds in the Pacific Northwest and has been cited as a unique seabird habitat of national and even international importance.

CHAPTER 3

SUBCOMMITTEE ON NUCLEAR REGULATION

During the 97th Congress, the Subcommittee on Nuclear Regulation, under the leadership of its Chairman, Alan K. Simpson, and ranking minority member, Gary Hart, undertook a wide range of legislative and oversight activities in the field of nuclear power. The subcommittee, which has responsibility over the non-military environmental regulation and control of nuclear power, had jurisdiction over two bills which became Public Law. "The Nuclear Waste Policy Act of 1982," and the "Nuclear Regulatory Commission Authorization for fiscal years 1982 and 1983". Also within the subcommittee's jurisdiction was another Nuclear Regulatory Commission Authorization for fiscal years 1982 and 1983 which was reported by the full committee on Environment and Public Works, but was not acted upon by the Senate. In addition, the Subcommittee conducted hearings on nuclear powerplant licensing delays and the impact of the *Sholly v. NRC* decision by the United States Court of Appeals for the District of Columbia Circuit, the implementation of the Uranium Mill Tailings Act, the cleanup at Three Mile Island, and local, State, and Federal radiological emergency response planning.

The "Nuclear Waste Policy Act of 1982" (P.L. 97-425) was the culmination of over four years of subcommittee, committee, and congressional effort. The Act established for the first time a comprehensive Federal policy for the storage and disposal of radioactive waste and is a major step for both energy production and environmental protection.

The Subcommittee had an extensive background of hearing history behind it when reporting S. 1662, "The Nuclear Waste Policy Act of 1981," to the full committee on November 12, 1981. Numerous hearings had been held during the two previous Congresses and two joint hearings with the Energy and Natural Resources Committee and one field hearing were held during the first session of the 97th Congress. The full Committee voted to report the bill to the Senate on November 16, 1981.

The fundamental purpose of the Nuclear Waste Policy Act of 1982 is to establish a policy of Federal responsibility for the interim storage of commercial spent nuclear fuel on a limited basis, and for the long-term storage and disposal of commercial high-level nuclear waste and commercial spent nuclear fuel. In addition, the Act establishes a framework for the eventual disposal of high-level radioactive waste resulting from atomic energy defense activities.

The cornerstone of this Act is contained in subtitle A of title I, directing the Department of Energy to construct at least two federally owned and operated facilities for the disposal of high-level nuclear waste or spent nuclear fuel from civilian nuclear reactors.

These facilities would be full-scale, operational deep geologic repositories for the permanent disposal of commercial nuclear wastes. The construction and operation of a test and evaluation facility for the development of techniques for packaging and handling of wastes is also authorized.

Under the Act, the Department of Energy is directed to nominate at least five sites that DOE determines to be suitable for site characterization for selection of the initial repository. From these five nominated sites, three would be selected by DOE for site characterization, subject to approval of the President. The first of the two repositories required under this Act is to be selected by the President from these three characterized sites. The President's recommendation must be submitted to Congress no later than March 31, 1987. A similar framework is established for selection of a second geologic repository.

In addition, the Act sets forth in detail the rights of individual States and Indian Tribes to participate in the selection, construction, and operation of geologic repositories. In particular, States and Indian Tribes have an opportunity to participate in the development of such repositories from a very early stage in the process, to assure that potential concerns are resolved as early as possible. The framework within which States and Indian Tribes are guaranteed an opportunity to participate in the activities of the Department of Energy and through which disputes are to be negotiated is a written agreement between the State or Indian Tribe and the Department.

The Act also establishes a Nuclear Waste Fund to finance all costs related to the development of a geologic repository, including the subsequent operation of such repository. These activities are to be funded through a fee of 1 mil per kilowatt hour on electricity generated by nuclear powerplants, thereby imposing the costs of nuclear waste disposal directly on those who benefit from the generation of electricity by nuclear power.

In addition to directing the Department of Energy to develop at least two deep geologic repositories for the disposal of nuclear waste, this Act also calls upon DOE to submit to Congress by June 1, 1985, a detailed study of the need for, and feasibility of, one or more "monitored, retrievable storage" facilities. While no such facility is specifically authorized by this Act, long-term storage of high-level radioactive waste or spent nuclear fuel in such a facility is an option for providing safe and reliable management of radioactive waste and this Act directs DOE to undertake a careful analysis of the MRS option.

The Act also establishes the framework for a limited Federal interim storage program, to provide "away-from-reactor" storage capacity of a short-term nature for those utilities that have exhausted all possible on-site options for the storage of spent nuclear fuel. Again, the Act establishes a funding mechanism for any such facilities to assure that those utilities that avail themselves of this option will pay the full costs incurred by the Federal Government in making such capacity available.

The second major piece of legislation passed in the Second Session—the "Nuclear Regulatory Commission Authorization for Fiscal Years 1982 and 1983" (P.L. 97-415)—includes a number of

important changes in existing law that will enhance the ability of the NRC to carry out its statutory responsibility to protect the public health, safety, and environment. In addition, this Act establishes for the first time since 1980, much needed budgetary guidance for the NRC.

Among the key provisions included in this Act are the following:

- The “Sholly” provision authorizes the NRC to issue amendments to the licenses of nuclear powerplants without first holding a public hearing, *but only* if those amendments involve “no significant hazard.” This provisions, which corrects what many have viewed as an erroneous judicial interpretation of the NRC’s hearing requirements for this type of amendments, will result in a significant reduction in unnecessary administrative procedures that would have otherwise been required under the court’s decision.
- Authorizes the NRC to issue operating licenses to nuclear powerplants in advance of the holding of a public hearing, *but only* if the NRC determines that all other statutory requirements, including a finding on public health and safety, have been satisfied. This provision addresses the serious situation that developed at the NRC shortly after the Three Mile Island accident. Hearings before the Subcommittee on Nuclear Regulation in 1981 revealed that too few resources were being devoted to ongoing licensing proceedings for nuclear powerplants, as a result of a shift of those resources to issues raised shortly following the TMI accident. Accordingly, under this provision, if it can be established that the requirement for a hearing would result in a delay in the operation of a nuclear powerplant otherwise ready to operate, the NRC may issue a temporary operating license to such a plant in advance of the completion of the public hearing required under the Atomic Energy Act.
- Includes a number of amendments to the Uranium Mill Tailings Radiation Control Act of 1978, designed to restore the mill tailings regulatory program to the course originally intended by Congress. This provision significantly expands the flexibility of individual States to meet Federal regulations and, in addition, directs the NRC and the Environmental Protection Agency, in establishing regulatory standards and requirements, to weigh the risks to be addressed against the costs that will be imposed in meeting such requirements.
- Finally, this Act includes a provision to address certain of the critical problems facing the domestic uranium industry as a result of foreign uranium imports. Under this Act, the President is directed to undertake a comprehensive review of the uranium industry and to submit a report to Congress. In addition, the Department of Energy is instructed to monitor the industry for the next ten years to assure that imported uranium does not cause substantial injury to the domestic uranium industry. If DOE should determine that such a threat does in fact exist, this Act then directs DOE to request the U.S. Trade Representative and the Department of Commerce to undertake further investigations.

In addition to the foregoing provisions, Public Law 97-415 also includes a number of other key provisions relating to the area of nuclear energy. Among those are provisions (1) prohibiting the Secretary of Energy from using special nuclear material from licensed nuclear power reactors for the production of nuclear devices, (2) establishing a framework for the acquisition and installation of a Nuclear Datalink System to communicate critical plant information from a powerplant to the NRC during an emergency, (3) requiring the NRC to promulgate a safety goal to be used in the licensing and regulation of nuclear powerplants, and (4) reiterating the authority of the NRC, in the absence of an approved State or local emergency preparedness plan, to issue an operating license for a nuclear powerplant if it determines that there exists a State, local, or utility emergency preparedness plan which provides reasonable assurance that the public health and safety is not endangered by the operation of the plant involved.

CHAPTER 4

SUBCOMMITTEE ON WATER RESOURCES

The Subcommittee on Water Resources, with Senator James Abdnor as Chairman and Senator Daniel Patrick Moynihan as ranking minority member, has legislative responsibility for national water policy, the civil works program of the U.S. Army Corps of Engineers, and certain Soil Conservation Service projects of the U.S. Department of Agriculture.

The Corps civil works program includes the study, planning, construction, operation, and maintenance of projects for improvements of the Nation's waters in the interest of navigation, flood control, municipal and industrial water supply, beach and streambank erosion control, hydroelectric power development, dam safety, and outdoor recreation. The Soil Conservation Service program provides for Federal assistance in the construction of small upstream dams and other flood control and soil erosion prevention works in small watershed areas. It also provides for the development of measures for irrigation, drainage, municipal and industrial water supply, recreation, and fish and wildlife enhancement.

Out of the 235 bills referred to the Committee on Environment and Public Works, 90 came under the jurisdiction of the Water Resources Subcommittee. Most of these were single purpose bills proposing the authorization of individual projects. An ongoing impasse in and between Congress and the Administration over water policy and project authorization prevented these bills from being considered either individually or in the context of an omnibus water projects bill. Of the major bills considered by the Subcommittee, one (S. 1493, to deauthorize several Corps of Engineers projects) became Public Law, one (S. 2494, The Water Resources Research Act of 1982) passed the Senate but was not acted upon by the House, and two (S. 1095, amending the Water Resources Planning Act, and S. 1692, the National Harbors Improvement and Maintenance Act of 1981) were favorably reported out of committee but were not considered by the Senate.

In addition to legislative activity, the subcommittee also recommended committee approval of four Soil Conservation Service small watershed projects and congressional approval of Corps of Engineers new construction starts.

Favorable subcommittee and full committee action on S. 1493 reflected the interest many members had in expediting deauthorization of a number of Army Corps of Engineers projects.

At the beginning of 1980, the Corps of Engineers has 583 projects which were either "inactive" or "deferred." The Corps has its own program for project deauthorization, but many Members of Congress had claimed this process is too slow. In 1980 the Corps recommended that only 14 projects be deauthorized. The projects, listed

in S. 1493 introduced by Senator Abdnor, taken as a whole, reduced the backlog of unconstructed projects by more than \$2 billion. This deauthorization eliminated continuing Federal land maintenance expenditures and allowed other proposed activities to occur on the project sites.

The subcommittee held two hearings on the bill on April 23 and July 24, 1981, during which testimony was heard only on the Meramec Park Lake project. Before reporting S. 1493 favorably, the full committee adopted an amendment by Senator Slade Gorton to include Layfayette Dam in the bill for deauthorization.

As reported by the Committee, S. 1493 deauthorized the following projects:

1. The Dickey Dam component of the Dickey-Lincoln School Lakes Project in Maine.
2. Meramec Park Lake, Missouri.
3. Helm Reservoir, Illinois.
4. Lincoln Dam, Illinois.
5. Big Blue Dam, Indiana.
6. Illinois River Duplicate Locks, Illinois.
7. Layfayette Dam, Indiana.
8. Nansemond River, Virginia.
9. Clifty Creek Dam, Indiana.
10. Intracoastal Waterway, Delaware-Maryland-Virginia.
11. Sixes Bridge, Maryland.

The bill passed the Senate November 18, 1981. During conference with the House of Representatives, Layfayette Dam was dropped from the bill. S. 1493 became Public Law 97-128 on December 29, 1981.

Responding to the pressing need to strengthen basin water resources research, Senator Abdnor introduced S. 2495, the Water Resources Research Act of 1982. This bill, which was similar in many respects to title III of S. 1095, was reported by the full committee in May 1982 and passed by the Senate in June. The House of Representatives took no subsequent action on S. 2494.

Several problems in water resources research are addressed by S. 2494. The bill recognized the value of the University-based water research institutes, but seeks to strengthen the approach by requiring a greater non-Federal financial commitment to each institute. In addition to authorizing \$8.1 million yearly for 5 years for participating water research institutes, the bill authorized \$13 million annually for specific water research project grants on a number of water problems listed in the bill. These funds would be available to any qualified individual or group on a one-to-one matching grant basis to perform needed research on saline water purification, water conservation and reuse, groundwater degradation and depletion, water supply and demand, and a variety of other areas related to the efficient use and protection of our water resources.

In early May 1981, the Subcommittee on Water Resources reported S. 1095, a bill to amend the Water Resources Planning Act. S. 1095 was a response to three major issues raised in three hearings in April during which over 30 people testified. The three major concerns were: The need for a more independent organization to address national water policy issues; the role of the Federal Government in assisting State and regional development planning; and

the need for a program of federally assisted water resources research.

S. 1095 addressed each of these concerns. It authorized both a National Board on Water Policy, and a State Advisory Committee to review actions and proposals made by the National Board. The bill also enabled the President to establish river basin commissions where the Governors of at least two-thirds of that river basin's States concurred in such a request by one or more basin Governors. In addition, the bill also established an Office of Water Programs at the Interior Department to administer several multi-million dollar grant programs, such as State planning grants, and saline water research grants. Grants would have been made in response to specific proposals and would require at least a 50-50 match from non-Federal sources.

The full Committee reported S. 1095 on May 13, but it was not considered by the Senate.

S. 1692, the National Harbors Improvement and Maintenance Act of 1981 was reported by the Subcommittee in November 1981, after holding three hearings and two markups specifically focusing on ports and harbors issues and two field hearings at which these issues were extensively addressed.

This bill was the product of three main concerns in the subcommittee and the full committee: the need to leverage limited Federal dollars for the construction and improvement of needed port facilities, the need to allow market mechanisms to prioritize construction dredging work, and the need to expedite projects of this type.

As reported out of the full committee in November 1981, S. 1692 required 100 percent non-Federal funding for new port construction, but required that the Federal Government pay 75 percent of maintenance dredging at ports and authorized \$250 million yearly for five years for this purpose. The bill also contained provisions dealing with port related national defense needs, enabled local authorities to institute a system of user fees to recover their costs, and established a procedure to consolidate required construction permit procedures into a two year period.

S. 1692 was not considered by the Senate.

CHAPTER 5

SUBCOMMITTEE ON TRANSPORTATION

During the 97th Congress, the Subcommittee on Transportation, chaired by Senator Steve Symms with Senator Lloyd M. Bentsen as ranking minority member, built on the foundation of the Federal-Aid Highway Act of 1981 and the Federal-Aid Highway Act of 1982 in the development and enactment of major multi-year transportation legislation—the Surface Transportation Assistance Act of 1982. Extensive hearings were held in Washington, D.C. and throughout the country during both the first and second sessions.

On January 13, 1981, Drew Lewis, then Secretary-designate for the Department of Transportation, testified before the full committee on issues concerning the Federal-aid highway program. A hearing was held on February 4, 1981 on the nomination of Ray A. Barnhart to be Administrator of the Federal Highway Administration; the nomination was approved by the committee and subsequently by the Senate. On February 25, 1981, the Transportation Subcommittee held a hearing with Mr. Barnhart to consider the fiscal year 1983 budget recommendations of the Department of Transportation for the Federal-aid highway program.

The committee recommended in its March 15, 1981 Report to the Budget Committee a total of \$8,751,000,000 in budget authority for the Federal-aid highway program for fiscal year 1982. The recommendation was consistent with the President's March budget request. The Committee also recommended an obligation limitation of \$8.1 billion for fiscal year 1982.

On March 31, 1981, Senator Stafford introduced, by request, S. 841. Senator Symms, jointed by Senators Stafford, Randolph, Abdnor, and Burdick, introduced S. 1024, the Federal-Aid Highway Act of 1981, on April 28, 1981.

Ten days of hearings were held by the subcommittee on S. 841 and S. 1024, including April 29–30, 1981, and June 10 and 19, 1981 in Washington, D.C.; June 29, 1981 in Sioux Falls, S. Dak.; June 30, 1981 in Rapid City, S. Dak.; July 1, 1981 in Fargo, N. Dak.; August 14, 1981 in Denver, Colo.; August 15, 1981 in Boise, Idaho; and August 17, 1981 in Seattle, Wash. Among the major issues addressed both in the legislation and the hearings were completion of the Interstate System, the rehabilitation needs of the existing Federal-aid System, category consolidation, the bridge program, and the appropriate Federal participation in the Secondary, Urban and Safety programs.

S. 1024 with amendments was reported on September 30, 1981 by a committee vote of 14 to 2. The legislation won final congressional approval on December 16, 1981, and was signed into law on December 29, 1981. Most significantly, the Federal-Aid Highway Act of 1981 (Public Law 97-134), provided a completion definition for the

Interstate construction program which reduced the estimated cost to complete the Interstate System from \$53.8 billion to approximately \$39 billion. It also recognized the need for preserving the Federal Government's capital investment by expanding the Interstate 4R program and increasing the funds available for the repair and reconstruction of the Interstate System.

During the second session of the 97th Congress, the subcommittee continued laying the groundwork for major new legislation in the transportation area. On February 10, 1982, an oversight hearing was held by the subcommittee on the Bridge Replacement and Rehabilitation Program. Secretary Lewis and Administrator Barnhart appeared before the full committee on February 24, 1982 to testify on the fiscal year 1983 budget.

In its March 15, 1982 Report to the Budget Committee, the committee recommended \$8.6 billion in budget authority for fiscal year 1983 with an obligation limitation of \$8.2 billion. The President's budget request for fiscal year 1983 was \$8.1 billion in budget authority with an obligation limitation of \$7.7 billion.

On March 31, 1982, Senator Symms, along with Senators Stafford, Randolph, Bentsen, Abdnor, and Burdick, introduced S. 2315, the Federal-Aid Highway Act of 1982. A full day of hearings was held April 21 on this bill. Testimony was received from members of the Senate, the Department of Transportation, the National Governors' Association, State transportation officials, State and local elected officials, and environmental and industry groups.

Another set of hearings was held in Washington, D.C., on August 10 and 18, 1982, and in Salt Lake City, Utah, and Lewiston, Idaho, on September 2 and 3, 1982. Among the issues discussed at these hearings were highway program needs, revenues, and the allocation of costs among the various users of highways. Testimony was given by representatives of the Congressional Budget Office, the Treasury Department, the Department of Transportation, State and local elected and appointed officials, civil engineers, environmentalists, and industry and research groups.

An interim highway bill, S. 2574 (Public Law 97-327), was passed by Congress shortly before it recessed on October 1. This legislation provided approximately \$5 billion in authorizations for fiscal year 1983, and enabled States to continue the highway program without serious disruption while long term highway issues were further addressed.

On November 23, 1982, President Reagan announced his support for a proposal set forth by Secretary Lewis to increase highway user fees by an equivalent 5 cents. This user fee increase would raise an additional \$5.5 billion in revenues. Of that amount, \$4.4 billion would be available for Federal-aid highway needs and \$1.1 billion would go into the trust fund for transit needs.

On November 29, 1982, Senator Stafford, along with Senators Symms, Randolph, Abdnor, Gorton, Heinz, Murkowski, and Pressler, introduced S. 3043, the Federal-Aid Highway Improvement Act of 1982. The bill essentially reflected the program changes made by S. 2574, which had been reported by the committee earlier in the year. It also reflected the additional revenues which would be available from the increased user fees and provided \$67 billion in authorizations for the Federal-aid highway program.

for fiscal years 1983 through 1987. S. 3044, the Surface Transportation Act of 1982, submitted by the Administration, was also introduced by request.

The Environment and Public Works Committee considered S. 3043 on December 7 and 8, and by a unanimous vote of 16 to 0 ordered it reported with amendments on December 8. Senate Report 97-676 accompanied S. 3043. The Senate passed the Surface Transportation Assistance Act on December 20 and approved the conference report on December 23.

Title I of Public Law 97-424, the Highway Improvement Act of 1982, recognizes the pressing need to increase total funding for the highway program and to emphasize rehabilitation far more than has been done in the past. This legislation directly addresses the widespread concern over a deteriorating highway system and declines in transportation safety and efficiency. A large proportion of the increased funding for the program has been directed at the reconstruction and rehabilitation of the Interstate System and the repair and replacement of deficient bridges. More than 10 percent of the Interstate System needs immediate rehabilitation and over 250,000 bridges are in need of repair or replacement. In addition, a minimum of 40 percent of the Primary, Urban, and Secondary funds must also be spent on repair and rehabilitation of existing facilities.

While the purpose of this legislation is primarily to address the serious deterioration of the existing highway system, the Department of Transportation estimates that it will also provide approximately 320,000 direct and induced jobs in the construction industry.

The President signed the Surface Transportation Assistance Act of 1982 on January 6, 1983. This landmark legislation provides for a 4-year authorization period, a total of \$57 billion in highway authorizations, and an equivalent 5-cent increase in the motor fuel tax and other user fees. An equivalent 1-cent is earmarked for transit capital assistance. This is a significant milestone in the history of Federal transportation legislation and enables the continuation of the Federal-aid highway program's long and successful record.

CHAPTER 6

SUBCOMMITTEE ON TOXIC SUBSTANCES AND ENVIRONMENTAL OVERSIGHT

The Subcommittee on Toxic Substances and Environmental Oversight, chaired by Senator Slade Gorton, with Senator Max Baucus as ranking minority member, is jurisdictionally charged with oversight and substantive authorization of the Toxic Substances Control Act, the Noise Control Act, the Safe Drinking Water Act, the National Environmental Policy Act, and environmental research and development programs, including those of the Environmental Protection Agency. The Subcommittee met on a number of occasions in 1982 to consider legislation relevant to its jurisdiction.

TOXIC SUBSTANCES CONTROL ACT

TSCA was reauthorized for the 1982, 1983 fiscal years during the first session of the 97th Congress. The Subcommittee considered no specific legislation regarding TSCA this year, but conducted an oversight hearing in August 1982 on the operation of the Environmental Protection Agency under the law.

NOISE CONTROL ACT

S. 1204, reauthorizing the Quiet Communities Act for the fiscal years 1982 and 1983, was reported by the full Environment and Public Works Committee, after a 1981 Subcommittee hearing. The bill authorized noise regulation and redesigned the regulatory strategy. S. 1204 passed the Senate on July 14, 1981. The House of Representatives then substituted the text of its bill, H.R. 3071, for the text of the Senate bill. The Senate's request for conference on the legislation was not answered by the House in the 97th Congress.

SAFE DRINKING WATER ACT

The Subcommittee held three hearings on two bills, S. 1866 and S. 2131, reauthorizing and amending the Safe Drinking Water Act. Neither bill was reported by the Subcommittee or the full Committee.

An Oversight hearing on the implementation of the National Environmental Policy Act by the Council on Environmental Quality was held in July, but no proposals for amendment of the legislation were offered. Reauthorization of the CEQ NEPA program was not required because of its continuing authorization.

In connection with the Environment and Public Works Committee's budget recommendations for fiscal year 1983, the Subcommittee introduced S. 2577, authorizing appropriations to the Environ-

mental Protection Agency for its research and development programs. The bill passed the Senate on June 10, 1982. The House of Representatives amended S. 2577 so that it authorized 1984 programs, provided for a number of EPA studies and reports to Congress, and altered the method of selection of the EPA's Science Advisory Board. The Senate accepted a number of these amendments on September 30, 1982, and the House of Representatives concurred in the Senate action on that day. On October 21, 1982, the President vetoed S. 2577, primarily on objection to provisions relating to the Science Advisory Board.

CHAPTER 7

SUBCOMMITTEE ON REGIONAL AND COMMUNITY DEVELOPMENT

The Subcommittee on Regional and Community Development, chaired by Senator Frank Murkowski, with Senator Quentin Burdick as ranking minority member, led Committee consideration of the reauthorization of two major Public Laws: the Disaster Relief Act and the Appalachian Regional Development Act.

In oversight hearings held during July of the first session, the Subcommittee gathered much of the information for S. 2250, "The Disaster Relief Act Amendments of 1982," which was introduced by Senator Murkowski during the second session. The bill was considered and unanimously reported to the full Senate on May 13, and unanimously passed by the Senate on June 9.

Consideration of S. 2250 marked the first comprehensive review of disaster relief legislation under the jurisdiction of the Environment and Public Works Committee in eight years. The bill would have made a number of important amendments to the disaster relief legislation enacted in 1970 and 1974.

For several years, the Committee had been concerned that the Disaster Relief Act has been expanded by interpretation beyond congressional intent. To clarify congressional intent, an amendment to the definition of "major disaster" would have restricted responses under authority of the Act to assistance following disasters of essentially "natural" origin.

At the same time, the bill would have established new authority for the President to respond within explicit limitations to a broad range of incidents—both natural and non-natural—where Federal assistance is needed to supplement State and local efforts and capabilities in saving lives and protecting property, public health and safety, or lessening or averting the threat of a catastrophe. This program would have been perhaps the most significant change in the disaster relief program in a dozen or more years.

Another major feature of the bill incorporated the requirement that State and local governments and eligible private non-profit organizations share the cost of permanent restorative work and debris removal at the rate of 75 percent Federal, 25 percent non-Federal. This change would have assured the supplemental nature of Federal aid which has been a cardinal principle of the underlying Act from its inception. It would have allayed the problem of ascertaining the appropriate commitment on the part of nonfederal entities. As a practical matter, it would have also encouraged prudence and cost-consciousness in assessment of needs or demands on the part of the nonfederal participants.

The bill also amended the Disaster Relief Act to deny Federal assistance to State and local governments for the repair or replace-

ment of their public facilities to the extent that damage for which assistance is requested could have been compensated by reasonably available, adequate, and necessary flood insurance.

This bill would have also expanded the so-called "small project grant" provision as well as the "flexible funding" provision. It would have increased grants to States for preparedness planning, and directed—for the first time—that they include hazard mitigation programs and an evaluation of natural hazards in their disaster plans. Federal assistance for replacement of public facilities would have been precluded unless carried out in compliance with environmental protection, floodplain management, and hazard mitigation criteria.

Existing authorities on criminal and civil penalties would have been strengthened and new, specific requirements for audits and investigations would be added to the Act. The Attorney General would have been authorized to bring suit to recover disaster relief and emergency expenditures from parties who have caused or contributed to the effects of catastrophes.

While the House Committee on Public Works and Transportation held hearings on S. 2250, final action was not taken by the House prior to adjournment of the 97th Congress.

The subcommittee also considered legislation in the 97th Congress to reauthorize the Appalachian Regional Commission. On March 29, 1982, the subcommittee held a hearing to review the status and operations of the ARC. On May 28, the full committee reported S. 2144, which extended the ARC for one additional year. That bill passed the Senate, but final congressional action was not completed before the close of the 97th Congress.

CHAPTER 8

COMMITTEE PUBLICATIONS AND SENATE DOCUMENTS

During the 97th Congress, numerous documents and public hearings were prepared and printed for the use of the Committee on Environment and Public Works, Members of Congress, and others.

The following is a listing of the documents prepared during the 1981-82 period:

HEARINGS

Serial No.	Title	Date
FULL COMMITTEE		
97-H 1	Testimony of Andrew L. Lewis, Jr.	Jan. 13, 1981.
97-H 2	Nomination of Ray A. Barnhart	Feb. 4, 1981.
97-H 3	Fiscal Year 1982 Budget Review	Feb. 25, 26, Mar. 4, 5, and 6, 1981.
97-H 4	Steel Industry Compliance Extension Act of 1981	Mar. 3, 1981.
97-H 5	Public Buildings Act of 1981	Feb. 27 and Mar. 9, 1981.
97-H 6	Reports of the National Commission on Air Quality and the National Academy of Sciences.	Mar. 2, 1981.
97-H 9	Tennessee Valley Authority Oversight	Mar. 16, and 17, 1981.
97-H12	Clean Air Act Oversight:	
	Pt. 1	Apr. 8, 9, May 20, and June 2, 1981.
	Pt. 2	June 3 and 4, 1981.
	Pt. 3	June 5, 9, 11, and 22, 1981.
	Pt. 4	June 23, 24, and 25, 1981.
	Pt. 5	July 8 and 9, 1981.
	Pt. 6 (field hearings):	
	Augusta, Maine	Apr. 14, 1981.
	Billings, Mont.	May 26, 1981.
	Casper, Wyo.	May 27, 1981.
	Pt. 7 (field hearings):	
	Seattle, Wash.	June 27, 1981.
	Randolph, Vt.	June 30, 1981.
	Albany, N.Y.	July 1, 1981.
	Fairbanks, Alaska	Do.
97-H18	Union Station—National Visitor Center	July 20, 1981.
97-H19	Nomination of G. Ray Arnett	May 5, 1981.
97-H20	Nominations of Nunzio J. Palladino and Thomas M. Roberts	June 17 and July 21, 1981.
97-H21	Nominations of John P. Horton and Kathleen M. Bennett	July 17, 1981.
97-H22	Nomination of Charles H. Dean, Jr.	May 14, 1981.
97-H23	Nominations of A. Alan Hill and W. Ernst Minor	June 23, 1981.
97-H26	Nominations of Anne M. Gorsuch and John W. Hernandez	May 1 and 4, 1981.
97-H27	Nominations of Matthew M. Novick and John A. Todhunter	Sept. 22 and Oct. 16, 1981.
97-H28	Nominations of Lee M. Thomas, Robert A. Jantzen, and Carlos C. Campbell	Sept. 22, and Oct. 27, 1981.
97-H29	Environmental Protection Agency Oversight	Oct. 15, 1981.
97-H30	Acid Rain	Oct. 29, 1981.
97-H37	Fiscal Year 1983 Budget Review	Feb. 22, 23, 24, 26, and Mar. 2, 1982.
97-H41	Nominations of Frederic A. Eidsness and Rita M. Lavelle	Mar. 15 and 23, 1982.
97-H45	Authorizations for the Public Buildings Service of the General Services Administration.	Mar. 26, 1982.

HEARINGS—Continued

Serial No.	Title	Date
97-H47	Nomination of James K. Asselstine	May 6, 1982.
97-H52	Nuclear Property Insurance Act of 1981	May 20, 1982.
97-H53	Acid Rain: A Technical Inquiry	May 25 and 27, 1982.
97-H57	Nomination of Nancy A. Maloley	July 21, 1982.
97-H62	Protection of Foreign Missions Outside the District of Columbia	Aug. 19, 1982.
97-H64	Nominations of Winifred A. Pizzano and Jacqueline L. Phillips	Sept. 22, 1982.
97-H56	Toxic Chemical Pollution in Puget Sound	Oct. 25, 1982.
97-H67	Construction and Repair Programs To Alleviate Unemployment	Dec. 1, 1982.
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION		
97-H 8	Lacey Act Amendments of 1981	Apr. 1, 1981.
97-H17	Municipal Wastewater Treatment Construction Grants Program:	
	Pt. 1	June 8, 10, 15, 17, 22, and 24, 1981.
	Pt. 2 (field hearings):	
	Warwick, R.I.	June 29, 1981.
	Santa Fe, N. Mex.	Aug. 10, 1981.
97-H31	Implementation of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.	July 8 and 20, 1981.
97-H34	Endangered Species Act Oversight	Dec. 8 and 10, 1981.
97-H35	Coastal Barrier Resources Act:	
	Providence, R.I.	Aug. 13, 1981.
	Washington, D.C.	Oct. 21, 1981 and Feb. 3 1982.
97-H38	Implementation of the Clean Water Act	Feb. 5, 1982.
97-H42	Protection Island National Wildlife Refuge	Feb. 8, 1982.
97-H44	Reauthorization of the Sikes Act	Do.
97-H46	Endangered Species Act Amendments of 1982	Apr. 19 and 22, 1982.
97-H50	Reauthorization of the Resource Conservation and Recovery Act	Apr. 26 and June 24, 1982.
97-H58	Clean Water Act Amendments of 1982	July 21, 22, 28, and 29, 1982.
97-H59	Oversight of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).	Aug. 4, 1982.
97-H65	Sec. 404 of the Clean Water Act:	
	Anchorage, Alaska	July 8, 1982.
	Washington, D.C.	July 16, 1982.
97-H68	American Attitudes Toward Clean Water	Dec. 15, 1982.
SUBCOMMITTEE ON NUCLEAR REGULATION		
97-H11	Nuclear Powerplant Licensing Delays and the Impact of the Sholly Versus NRC Decision.	Mar. 25 and 31, 1981.
97-H13	Radiology Emergency Planning and Preparedness	Apr. 27, 1981.
97-H16	The Research Program of the Nuclear Regulatory Commission	Apr. 29, 1981.
97-H24	Implementation of the Uranium Mill Tailings Radiation Control Act of 1978	June 16, 1981.
97-H32	National Nuclear Waste Policy Act of 1981:	
	Richland, Wash.	Oct. 31, 1981.
	Washington, D.C.	Nov. 9, 1981.
97-H33	Financing the Cleanup of the Three Mile Island Nuclear Powerplant	Oct. 20, 1981.
97-H40	Nuclear Waste Disposal	Oct. 5 and 6, 1981.
SUBCOMMITTEE ON WATER RESOURCES		
97-H14	Water Resources Policy Issues:	
	Pt. 1	Apr. 21, 22, 23, June 8 and 12, 1981.
	Pt. 2	June 16, 18, July 16, and 24, 1981.
	Pt. 3 (field hearings):	
	Albuquerque, N. Mex.	July 2, 1981.
	Juneau, Alaska	Aug. 7, 1981.
	Santa Fe, N. Mex.	Aug. 10, 1981.

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Serial No.	Title	Date
	St. Paul, Minn.....	Aug. 12, 1981.
	Great Falls, Mont.....	Aug. 17, 1981.
	Rapid City, S. Dak.....	Aug. 18, 1981.
	Vancouver, Wash.....	Aug. 19, 1981.
97-H43.....	Waterway User Fees:	
	Washington, D.C.....	Feb. 10, 1982.
	Mobile, Ala.....	Mar. 5, 1982.
97-H54.....	Corps of Engineers New Construction Starts for Fiscal Year 1983.....	June 18, 1982.
97-H55.....	Small Watershed Projects of the Soil Conservation Service.....	June 11, 1982.
97-H65.....	The Impact of the Supreme Court Decision in Sporhase Versus Nebraska.....	Sept. 15, 1982.

SUBCOMMITTEE ON TRANSPORTATION

97-H15.....	Federal Aid Highway Act of 1981:	
	Pt. 1.....	Apr. 29, 30, June 10 and 19, 1981.
	Pt. 2 (field hearings):	
	Sioux Falls, S. Dak.....	June 29, 1981.
	Rapid City, S. Dak.....	June 30, 1981.
	Fargo, N. Dak.....	July 1, 1981.
	Denver, Colo.....	Aug. 14, 1981.
	Boise, Idaho.....	Aug. 15, 1981.
	Seattle, Wash.....	Aug. 17, 1981.
97-H39.....	Highway Bridge Replacement and Rehabilitation Program.....	Feb. 10, 1982.
97-H49.....	Federal-Aid Highway Act of 1982.....	Apr. 21, 1982.
97-H61.....	Federal Highway Program Needs: Revenues and Cost Allocation Issues:	
	Pt. 1.....	Aug. 10 and 18, 1982.
	Pt. 2 (field hearings):	
	Salt Lake City, Utah.....	Sept. 2, 1982.
	Lewiston, Idaho.....	Sept. 3, 1982.

SUBCOMMITTEE ON TOXIC SUBSTANCES AND ENVIRONMENTAL OVERSIGHT

97-H10.....	Reauthorizations.....	May 5, 1981.
97-H25.....	The Effect of Chlorofluorocarbons on the Ozone Layer.....	July 23, 1981.
97-H51.....	Safe Drinking Water.....	Mar. 29, May 19, 26, and July 28, 1982.
97-H56.....	Implementation of the National Environmental Policy Act by the Council on Environmental Quality.....	July 21, 1982.
97-H60.....	Implementation of the Toxic Substances Control Act.....	Aug. 4, 1982.

SUBCOMMITTEE ON REGIONAL AND COMMUNITY DEVELOPMENT

97-H36.....	Amending the Disaster Relief Act of 1974.....	July 16 and 21, 1981; Apr. 20, 1982.
97-H48.....	Extension of the Appalachian Regional Development Act.....	Mar. 29, 1982.

SENATE DOCUMENTS

97-33.....	Highway Bridge Replacement and Rehabilitation Program—Third Annual Report.....	July 1982.
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COMMITTEE PRINTS

97- 1.....	Report to the Senate Committee on the Budget.....	March 1981.
97- 1A.....	Summary of Legislative Activities and Accomplishments for the 96th Congress.....	February 1981.
97- 2.....	The Clean Air Act in the Courts.....	April 1982.
97- 3.....	Nuclear Regulatory Legislation Through the 96th Congress.....	August 1981.
97- 4.....	The Clean Air Act as Amended Through July 1981.....	September 1981.
97- 5.....	Air Quality Management in Selected Countries.....	November 1981.
97- 6.....	A Legislative History of the Endangered Species Act.....	February 1982.
97- 7.....	Federal-State Relations in Transition: Implications for Environmental Policy.....	Do.

COMMITTEE PRINTS—Continued

Serial No.	Title	Date
97- 8	The Clean Water Act as Amended Through December 1981	Do.
97- 9	A Legislative History of the Safe Drinking Water Act	Do.
97-10	Report to the Senate Committee on the Budget	March 1982.
97-11	Wetland Management	July 1982.
97-12	Injuries and Damages From Hazardous Wastes—Analysis and Improvement of Legal Remedies (in 2 parts).	September 1982.
97-13	Report to the Senate on Several Watershed Proposals	Do.
97-14	A Legislative History of the Comprehensive Environmental Response, Com- pensation, and Liability Act of 1980 (Superfund) (in 3 parts).	December 1982.

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